

ISLAND COUNTY
DISTRICT & MUNICIPAL COURT

Local Rules of the District Court of Island County and the Municipal
Courts of the City of Oak Harbor and the Town of Coupeville

Criminal Rules

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LCrRLJ 1.1
SCOPE

These rules apply to all criminal hearings in Island County District Court,
Oak Harbor Municipal Court, Coupeville Municipal Court and Langley Municipal Court.

LCrRLJ 3.1
APPEARANCE OF COUNSEL

(e) A notice of appearance by counsel is considered effective through the first disposition of the case. Once a dismissal is entered, the defendant is sentenced without appeal being taken, or the defendant enters into a deferred prosecution or sentence program counsel may withdraw without further formality. A new notice of appearance must be filed prior to appearing at any subsequent hearing such as a probation violation or show cause hearing.

LCrRLJ 3.2
BAIL

1. Bail is to be set at the first appearance for all domestic violence offenses when a defendant has been arrested and confined pursuant to RCW 10.31.100 (2) (c).

2. Except for cases covered by paragraph 1, the court adopts the uniform bail schedule of CrRLJ 3.2
3. Law enforcement and the Court Clerk may receive bail in the form of cash, cashier's check, certified check, money order, traveler's check, credit card charge, checks drawn on a trust account or bail bond. Recognizance bonds must be approved by the prosecuting attorney or by the Court.

LCrRLJ 3.3
TRIAL SCHEDULING

(f) When the defendant pleads not guilty either personally or through a notice of appearance by counsel, the Clerk will schedule a pretrial hearing. All parties shall be expected to have exchanged discovery. Parties shall discuss the need for hearing any motions, including but not limited to 3.5, 3.6, Hamrick and Knapstad motions. At the pre trial hearing, parties must resolve the case or advise that the case is ready for trial, at which time, a readiness hearing and trial date will be set. If an attorney has had no contact with his/her client by the date of the readiness hearing, a warrant shall issue. At the readiness conference, cases declared ready for trial will be assigned for trial commencing the following Wednesday, Thursday or Friday of the first full week following the Readiness Conference. Juries will be called based on trial assignments at the Readiness Calendar. If a case settles after readiness, and a jury is called but not used, costs may be assessed to the responsible party. Juries may be called off by notifying the Court Administrator by 4:30 PM on the afternoon immediately preceding the assigned trial date. No pleas or motions will be heard on the readiness calendar.

(g) Continuances :

(1) By stipulation. Prior to the pretrial hearing the parties may agree in writing to reset the next hearing or hearings. The defendant shall consent in writing to the change in dates. Any agreements to change dates shall be submitted at least 24 hours before the next scheduled hearing. Notice of the new dates will be provided to the parties. All continuances on or after the pre-trial hearing must be approved by the trial judge.

(2) By motion. On motion of any party or the court, the court may continue the case when required in the interest of justice if the defendant will not be substantially prejudiced in the presentation of defenses. The motion must be filed on or before the date of the next scheduled hearing. The court must state on the record the reasons for the continuance if it is granted and may also assess terms as it deems appropriate.

(3) The court will not continue a trial date or other disposition beyond the applicable final day for speedy trial under CrRLJ 3.3 without a speedy trial waiver signed by the defendant.

(4) Requests for additional hearings such as bail reviews; requests to change previously scheduled hearings to new dates or to change the nature of the hearing must be requested in writing. Notice shall be given to the opposing party or counsel not less than twenty four hours prior to the new hearing. The clerk will then set the hearing at the requested time or notify the parties if the date set by the court is different than the requested date.

(h) Motions Calendar:

(1) Motions which will require more than five minutes for disposition will be heard on the criminal motion calendars. The Municipal Courts motions will be set at 9:00 AM Monday mornings; the State motions will be set at 1:30 PM Monday afternoon.

(2) Motions which will require less than five minutes for disposition may be heard during the arraignment calendar, the pretrial hearing, or during any regularly scheduled hearing with the court's approval.

(1) Disposition Calendar:

(1) Guilty pleas may be entered at arraignment and pretrial hearings or may be noted for the 1:30 PM disposition calendar each Tuesday afternoon and may be noted for hearing at 8:30 AM any court day.

LCrRLJ 3.4
Personal Appearance Required

A defendant who has signed a promise to appear for a hearing or trial must personally appear or submit a signed acknowledgment for the next agreed date. Failure to personally appear or submit such a signed acknowledgment is grounds to issue a warrant for the defendant's arrest and to strike all further hearings until the defendant next appears in person before the court. Represented defendants may file a waiver of attendance permitting their attorney to appear on their behalf. The form attached to these rules may be used for waiver of appearance. The defendant must personally appear at trial, at arraignments for all domestic violence offenses, and for preliminary appearances following an arrest and release for driving under the influence or physical control charges.

LCrRLJ 3.7
Presence of the Prosecutor and Public Defender

- (1) In all criminal cases, a representative of the Prosecuting Attorney's Office or the Office of City Attorney responsible for the case shall be present to conduct the case for the plaintiff. This rule applies to preliminary hearings, bail reviews, arraignments, pretrial hearings, motions, trials and other dispositions.
- (2) Presence of the Public Defender. A representative of the Public Defender's Office must be present for all hearings as required by their contracts with their funding authority.

LCrRLJ 4.1

(a) The filing of any notice of appearance shall eliminate the need for further arraignment, pursuant to CrRLJ 4.1. Upon the filing of any notice of appearance, the Court shall enter a Not Guilty plea on behalf of the defendant and will set the case for a pretrial hearing. Notwithstanding this provision, the defendant shall appear on the originally scheduled arraignment date for all hearings at which the review of conditions of release or protection orders is mandatory.

CrRLJ 6.1.1
JURY TERM

- (e) Criminal cases will be tried before a jury if jail is a possible sentence unless the defendant waives a jury in writing and the court consents to the waiver. A defendant who files a waiver of jury must file a request to withdraw the waiver within 10 days provided by the rules or before the pretrial hearing whichever first occurs.
 - (f) Trial terms are set on the first and third Thursday/Friday of each month for the Municipal Courts; the second and fourth Wednesday, Thursday and Friday for District Court and the fifth Thursday/Friday for civil trials. Cases will be assigned for trial at the Tuesday readiness hearing one week prior to the assigned trial date. When two or more cases are ready they will go to trial in the order assigned by the Court at the Readiness Hearing.
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LCrRLJ 7.6
PROBATION FEES

(c) Defendants placed on probation shall pay a monthly probation fee of \$100 unless a lesser fee is specified in the judgment and sentence.

LCrRLJ 8.2
DEFERRED PROSECUTIONS

(a) No order deferring prosecution will be approved and signed unless the defendant is actually in a treatment program or is to begin treatment on a date certain within 15 days of the date the order is signed.

(b) No final order deferring prosecution shall be approved and signed unless the defendant has either obtained an ignition interlock driver's license or a waiver of that requirement.

(c) Motions and orders for deferred prosecutions must be submitted in conformity with the model forms available in probation and at the front counter of the clerk's office. The qualifying evaluation, treatment plan and recommendation from probation must accompany the order. The required fees include the \$150 fee for the administration of the deferred prosecution, the \$125 BAC fee and the \$35 evaluation fee. The total of \$310 must be paid before the order will be signed by the judge.

(d) Deferred prosecutions requests should be submitted on or before the pretrial conference. If submitted on the day of trial, jury costs may be assessed.

LCrRLJ 10
VIDEO CONFERENCE PROCEDURES

(a) Criminal. Preliminary appearances, arraignments, bail hearings, and readiness conferences may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. All video conferences are public, and the public must be able to see all participants and be able to speak as

(b) permitted by the trial judge. Any party may request an in person hearing, which may be granted in the trial judge's discretion.

(c) Other trial court proceedings including the entry of a guilty plea may be conducted by video conference only by agreement of the parties, either in writing or on the record.

(d) Standards. The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings and be able to speak when permitted by the Judge. Video conference facilities must provide for confidential communication between attorney and client. Normally public access will be provided in the courtroom. Confidential communications will be provided to counsel and interpreters, if any being present with the defendant in the conference room at the secure facility.

LIRLJ 3.1
PROCEDURE AT CONTESTED HEARING

(b) Representation by Lawyer. At a contested hearing the plaintiff may be represented by a lawyer for the prosecuting authority. The defendant may be represented by a lawyer.

(c) When both parties are represented by lawyers the matter will be heard as if it were a bench trial. The hearing date will be set on a Tuesday at 3 P.M

in Oak Harbor. If the defendant is not represented the hearing will be assigned to the normal contested hearing calendar for the appropriate court.

(e) If a lawyer appears for the defendant at a regular scheduled contested hearing without previously filing a notice of appearance, the matter may be rescheduled to the Tuesday, 3PM calendar to permit appearance by a lawyer representing the plaintiff.

(f) Witness fees: Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. Subpoenas may be issued by the Court or a party's lawyer with a copy filed at the Court. Out of county witnesses must be approved by the Judge.

(g) Speed measuring device experts may appear by telephone, video conference call, or in person.

LIRLJ 3.5
DECISION ON WRITTEN STATEMENTS

(a) The court will consider requests for contested or mitigation traffic hearings by mail.

(b) To contest a hearing by mail the individual requesting the hearing must:

- 1) submit full payment with their request;
- 2) include a statement that they understand that there is no appeal for a decision based on written statements;
- 3) include a sworn statement of the circumstances of the incident and any other evidence they wish the judge to consider;
- 4) include a brief justification for the need for a hearing by mail rather than a personal hearing.

Once these items are submitted, the court will examine the officer's report and matters submitted by the individual requesting the hearing. This examination will be done in chambers and will take place within 120 days after the individual submits the required information and tenders payment. The hearing is not governed by the rules of evidence. The court will determine whether the plaintiff has proved by a preponderance of all evidence submitted that the infraction was committed. If the court determines that it was committed it may assess a penalty in accordance with IRLJ 3.3. The court will notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

(c) To request a mitigation hearing by mail, the individual requesting the hearing must:

- 1) submit full payment with their request;
- 2) include a statement of the circumstances of the incident and any other evidence they wish the judge to consider;
- 3) include a brief justification of the need for a hearing by mail rather than a personal hearing.

Once these items are submitted, the court will review the submission and the individual's driving record. This review will be done in chambers and will take place within 120 days after the individual submits the required information. If the court believes that mitigation is proper it will mitigate the penalty and return the amount tendered in excess of the penalty.

(d) No Appeal Permitted. No appeal may be taken from a decision on written statements on either contested or mitigated traffic infractions.

(a) Deferred Findings: The court may defer findings regarding traffic infractions following a contested hearing or defer entry of an order following a mitigation hearing for up to one year pursuant to RCW 46.63.070.

(b) Limit. A person may not receive more than one deferral within a seven-year period for moving violations and one deferral within a seven-year period for nonmoving violations.

(c) Conditions. For moving violations the conditions shall include attendance at traffic safety school, payment of the presumptive fine and an administrative fee. For nonmoving violations the conditions shall include payment of the presumptive fine and an administrative fee.

(d) Administrative Fee. The administrative fee shall be \$25.

(e) Dismissal: After the end of the deferral period, the court will dismiss the infraction if the person has met all the conditions of deferral and has not committed another traffic infraction during the period.

WAIVER OF SPEEDY TRIAL

The contents of this item are only available [on-line](#).

WAIVER OF JURY TRIAL

The contents of this item are only available [on-line](#).

WAIVER OF RIGHT TO LAWYER (ARRAIGNMENT)

The contents of this item are only available [on-line](#).

WAIVER OF RIGHT TO LAWYER (TRIAL)

The contents of this item are only available [on-line](#).

WAIVER OF ATTENDANCE OF REPRESENTED DEFENDANT

The contents of this item are only available [on-line](#).
